

REMARKS

The Applicant has amended Claims 2, 4, 9, and 12 and cancelled Claims 1, 3, 5-8, and 19.

REJECTIONS OF THE CLAIMS UNDER §102

The Examiner has rejected Claim 2 under 35 U.S.C. §102(e) as being anticipated by the Simmons reference (US 6,629,634). The Applicant has rewritten Claim 2 in independent form. The Applicant respectfully asserts that the Simmons reference does not teach or suggest each and every element of the amended Claim 2.

In particular, the Simmons reference does not teach or suggest that “the primary section and the secondary section are integrally connected as one unit.” As best shown in FIG. 1 of the Simmons reference, the housing 12 further comprises a second side window having a panel 18 including a slide bars 20a and 20b, which slidably engage a stop bar 24 to prevent further travel of the panel 18 along the slide bars. The Applicant asserts that the integral connection of amended Claim 2 provides a significant advantage. If the primary section and the secondary section were connected by slide bars 20a and 20b, which slidably engage a stop bar 24 to prevent further travel of the panel 18 along the slide bars (as taught by the Simmons reference), then the housing 12 and the panel 18 could separate and allow rain or melted snow to enter and damage the contents of the mailbox. In contrast, if the primary section and the secondary section are integrally connected (e.g., by the process of US 5,464,107), then the two sections will better protect the contents of the mailbox against the elements.

For these reasons, the Applicant respectfully requests that the Examiner reconsider and withdraw these rejections under §102.

REJECTIONS OF THE CLAIMS UNDER §103- PART ONE

The Examiner has rejected Claim 4 under 35 U.S.C. §103 as being unpatentable over Simmons. The Applicant has rewritten Claim 4 in independent form. The Applicant respectfully asserts that the Simmons reference does not teach or suggest each and every element of the amended Claim 4.

In particular, the references do not teach or suggest that “the secondary section substantially prevents viewing of the cavity.” The Examiner states that “It would have been obvious design consideration to modify Simmons by substituting frosted, shaded, or pebbled glass for the Plexiglas as the selection of the known material based upon its suitability for the intended use is a design consideration within the skill of the art.” The applicant asserts that “the secondary section substantially prevents viewing of the cavity” is not simply a design consideration, but rather functions to “improve[s] the visibility of the internal chamber 20 while maintaining the privacy of the contents 18 of the mailbox 10.”

This difference is best shown by a comparison of the drawings of the present invention and the drawings of the reference. As shown in FIG. 1 of the present invention, a body having a primary section that substantially prevents light from entering into the cavity, and having a secondary section that substantially allows light to enter into the cavity and substantially prevents viewing of the cavity. As best shown in FIG. 1 of the Simmons reference, the housing 12 further comprises a second side window having a panel 18... Preferably, panel 18 is made of or comprises a transparent material (e.g., shatterproof glass, plexiglass, and the like) such that the inside of housing 12 is viewable from the outside through panel 18.

For these reasons, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection under §103. Further, the Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of Claims 12-18, which depend on Claim 4.

REJECTIONS OF THE CLAIMS UNDER §103 - PART TWO

The Examiner has rejected Claims 9 under 35 U.S.C. §103 as being obvious in light of the Simmons reference and the Felice reference (US 2003/0136823). In paragraph 15, the Examiner states that the Felice reference discloses "a mailbox including a transparent panel 90 which is covered via a privacy door 26 [0042] to prevent viewing of the mailbox cavity in the closed position." Further, the Examiner states that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Simmons by including a privacy door adjacent the first door thereby preventing viewing of the cavity in the closed position thereby enhancing mailbox security." The Applicant has rewritten Claim 9 in independent form. The Applicant respectfully asserts that the Simmons and Felice reference do not teach or suggest each and every element of the amended Claim 9.

The Simmons provides "a window mailbox...that includes transparent windows and doors...; and a remote control that operates a light inside the mailbox that allows a user to view the interior of the mailbox..." Essentially, the Simmons reference teaches a mailbox where the user has an unobstructed view of the interior of the mailbox combined with a remote control so that the user of the mailbox does not need to be standing next to the mailbox to view the interior of the mailbox. If the Simmons reference was modified to include a safety door, the user would not be able to use the remote control and would be required to be next to the mailbox to open the privacy door and view the interior of the mailbox, which would completely eliminate the purpose of the Simmons reference. Therefore, Simmons provides a strong motivation not to include such a privacy door.


For these reasons, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection under §103. Further, the Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of Claims 10-11, which depend on Claim 9.

CONCLUSION

In view of the preceding amendments and remarks, the Applicant respectfully submits that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicant respectfully requests that the Examiner contacts the Attorney of the Applicant at the earliest convenience of the Examiner.

Respectfully submitted,

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